



Federal Communications Commission
Washington, D.C. 20554

May 19, 2010

DA 10-807

Small Entity Compliance Guide

Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations

Report and Order
FCC 09-36
MB Docket No. 08-253
Released: May 8, 2009

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
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Objectives of the Proceeding

It was the Commission's goal in the *Report and Order* that, following the digital television transition, all Americans continue to receive the television broadcast service that they are accustomed to receiving to the greatest extent feasible. To assist full-service stations to replace service to any loss areas, the Commission established a new, "replacement" digital television translator service for the purpose of maintaining broadcast service that the public has come to depend upon and enjoy. However, to the extent that these replacement translators will operate on a different channel than the main station, the Commission encouraged broadcasters to consider potentially more spectrally efficient means to maintain service to existing analog viewers (e.g., maximization, Distributed Transmission Systems).

Rules That the Commission Amended

The Commission created a new rule (47 C.F.R. § 74.787(a)(5)) that provided procedures for the filing of applications for replacement translator stations.

Impact on Small Business

This new rule will have no significant adverse impact on small entities.

Recordkeeping and Other Compliance Requirements

The Commission adopted one new reporting requirement. Full-service stations seeking a new replacement digital television translator station must submit a showing with their FCC Form 346 that they have a loss area as a result of their transition to digital and that the proposed replacement translator will serve the loss area. The Commission found that this new reporting requirement will not differently affect small entities.

Weblink and Citations

Report and Order, FCC 09-36, 24 FCC Rcd 5931 (2009); 74 Fed. Reg. 23650 (May 20, 2009); 74 Fed. Reg. 26300 (June 19, 2009);

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-36A1.doc